

REMARKS

The above amendments and these remarks are responsive to the Office Action issued on June 14, 2005. By this response, claims 1, 13, 17, 27 and 28 are amended. No new matter is added. Claims 1-10 and 12-28 are now active for examination.

The Office Action dated June 14, 2005 allowed claims 13-16. Claims 26, 27 and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by Jackson (U.S. Patent No. 5,724,743). The Office Action rejected claims 1-9, 12, and 17-25 under 35 U.S.C. §103(a) as being unpatentable over Jackson in view of Butler (U.S. Patent No. 4,718,759). Claim 10 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Jackson and Butler, and further in view of Stam et al. (U.S. Patent No. 5,923,027). Claim 13 was objected to as requiring a minor correction.

Applicants respectfully submit that the claim rejections are overcome and the objection is addressed in view of the amendments and/or remarks presented herein.

The Personal Interview

The Examiner is thanked for the courtesy for extending a personal interview on July 6, 2005, in which Examiner Amy Cohen, Examiner Christopher Fulton and Applicants' representative attended. During the interview, differences between claims 1, 17 and 26-28 and cited reference are discussed. An agreement was reached that claim 26 is patentable over Jackson, and that claims 1 and 17, after the amendment presented in this Response, are patentable over Jackson and Butler. Furthermore, the Examiners agreed that the anticipation rejection of claims 27 and 28 would be overcome if the claims are amended to describe that the visual indicator means or directional means is part of a camera and light subsystem.

The Obviousness Rejection of Claims 1-10, 12 and 17-25 Is Traversed

Claims 1-9, 12, and 17-25 were rejected as being unpatentable over Jackson and Butler. The obviousness rejection is respectfully traversed because Jackson and Butler cannot support a prima facie case of obviousness.

Claim 1, as amended, describes a position determination system that includes at least one invisible light emitting diode configured to emit strobed invisible light thereby illuminating an optically scannable target such that the light is retro-reflected to an image sensing device and forms an image of the target. A visible indicator is provided to conclusively indicate whether the at least one invisible light emitting diode is operative. Claim 17 includes descriptions related to visible indicator means for conclusively indicating whether emission means is operative. According to the agreement reached in the personal interview, neither Jackson nor Butler describes these features. Therefore, Jackson and Butler, even if combined, fail to disclose every limitation of claims 1 and 17. Therefore, the obviousness rejection based on Jackson and Butler is untenable and should be withdrawn. Favorable reconsideration of claims 1 and 17 is respectfully requested.

Claims 2-9, 12 and 18-25, directly or indirectly, depend on claims 1 and 17, respectively, and incorporate every limitation thereof. Accordingly, the obviousness rejection of claims 2-9, 12 and 18-25 also is overcome for at least the same reasons as for claims 1 and 17, as well as based on their own merits. Favorable reconsideration of claims 2-9, 12 and 18-25 is respectfully requested.

Claim 10 was rejected as being obvious over Jackson and Butler, and further in view of Stam. The obviousness rejection is respectfully traversed because Jackson, Butler and Stam cannot support a prima facie case of obviousness.

Claim 10 depends on claim 1 and further describes that the image sensing device is a complimentary metal oxide semiconductor (CMOS) camera. As discussed earlier, both Jackson and Butler fail to teach a visible indicator for conclusively indicating whether the at least one invisible light emitting diode is operating properly, as described in claim 10 through its dependency from claim 1. Stam also fails to teach or suggest this feature. Therefore, Jackson, Butler and Stam, even if combined, do not teach every limitation of claim 10. Accordingly, claim 10 is patentable over Jackson, Butler and Stam. Favorable reconsideration of claim 10 is respectfully requested.

The Anticipation Rejection of 26, 27 and 28 Is Overcome

Claims 26, 27 and 28 were rejected as being anticipated by Jackson. The anticipation rejection is respectfully overcome because Jackson cannot support a *prima facie* case of anticipation.

Claim 26 describes a position determination system including a visual indicator for indicating a manner by which an object under test should be manipulated such that an image sensing device of the system obtains images in a desirable manner, wherein the visual indicator is part of a camera and light subsystem. Claims 27 describes a position determination system including visual indicator means for indicating a manner by which an object should be manipulated, wherein the visual indicator means is part of an image sensing and light subsystem; and claim 28 describes a position determination system including directional means for indicating a direction in which a target object should be repositioned, wherein the directional means is part of a camera and light subsystem. As the Examiners acknowledged during the interview, these features are not available in Jackson. Accordingly, Jackson cannot support a

prima facie case of anticipation. Claims 26-28 are patentable over Jackson. Favorable reconsideration of claims 26-28 is respectfully requested.

The Objection to Claim 13 Is Addressed

Claim 13 was objected to for failing to include a period mark in the end of the sentence. By this response, claim 13 is amended to correct the clerical error. It is believed that claim 13 now is in appropriate form.

For the reasons given above, Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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